IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3579 of 2004

Ramesh K. Gutte ...Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. R.K. Mendadkar for the petitioner.
Mr. C.R. Sonawane, Assistant Government Pleader, for respondent Nos. 1 and 2.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 27, 2006**.

P.C.

The petitioner belongs to Mannervarlu Tribe, which is recognised as Scheduled Tribe under the Presidential Notification under Article 342 (1) of the Constitution of India. It is the say of the petitioner that on 4th February, 1992, he was granted caste certificate as belonging to Mannervarlu, S.T., by the Tahsildar and Executive Magistrate, Sholapur. The petitioner was appointed on 31st May,1997, as Laboratory Assistant consequent upon his selection and nomination by the Maharashtra Subordinate Selection Board, Mumbai. On 19th December, 1997, respondent No.3 issued regular order of appointment appointing the petitioner to the said post. The petitioner joined services

on the said post on 1st January, 1998. It appears that the caste certificate of the petitioner was referred to respondent No.2 by respondent No.3 and in pursuance thereof, a statement was recorded by the Police Inspector of Vigilance Cell.

2. The petitioner filed his reply on 3rd December, 2000. On 20th March, 2004, the petitioner received the order, which is impugned in the petition, passed by respondent No.2- Committee invalidating the caste certificate of the petitioner belonging to Mannervarlu, S.T., in the State of Maharashtra.

3. We have heard the learned counsel for the parties and we have also gone through the impugned order. The Committee has observed that the caste of the petitioner and his brother was shown as Hindu Fulmali. In the reply, Research Officer has produced the school admission register wherein the caste of the petitioner and his brother was shown as Hindu Fulmali. The Committee has also made a reference to the School Leaving Certificate in respect of the grand-father of the petitioner, Shri Tukaram Ramchandra Gutte, wherein his caste is recorded as Mannervarlu and this document pertains to the period 1922. However, the claim of the petitioner is rejected by the

Committee on the ground that the said certificate is not the attested copy.

4. From the record of this petition, it appears that this Court has in fact vide its orders dated 24th February, 2005 and 7th March, 2005, called upon the petitioner to produce the original school leaving certificate of his grand-father. Till now, the petitioner has not produced the same. In view of this, the ends of justice would be served by disposing of the petition with the following directions.

(i) The matter is remitted back to the Scrutiny Committee on condition that the Petitioner shall produce the original of the School Leaving Certificate of his grandfather Shri Tukaram Ramchandra Gutte of the period 1922 within a period of three weeks from today.

(ii) On the petitioner producing the said certificate, the Scrutiny Committee shall decide the matter afresh within a period of four months from the date of the receipt of the above certificate.

(iii) On failure to produce the certificate within the period stipulated above, not only the present petition but the proceedings before the Scrutiny Committee shall stand rejected.

With the above directions, the petition stands disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.